REMARKS

In the foregoing amendments, claims 3, 11, 22, and 33 are amended; and claims 20 and 21 are canceled without prejudice, disclaimer, or waiver. Claims 1-19 and 22-43 are now pending in the present application.

I. Response to 35 U.S.C. §102 Rejection

Claims 1-8, 20, 21, 33-36, and 39-43 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by *Teraoka* (U.S. Patent No. 6,292,836). Applicants respectfully traverse this rejection on the grounds that *Teraoka* fails to disclose each and every element of the claims.

A. Claims 1-8

Claim 1 recites a controller adapted to ***generate a transport stream map***. The Office Action seems to suggest that *Teraoka* discloses this feature of claim 1. Actually, *Teraoka* discusses the introduction of a connection defined by end points having identifiers VEndPointID and VEndPointAddr (see col. 4, lines 48-67). These identifiers refer to the VIP address of a computer that generates a VTCP connection end point and a port number in effect when the VTCP connection end point was generated, respectively. However, *Teraoka* fails to disclose a controller that is adapted to generate a transport stream map as claimed in claim 1.

Also, claim 1 recites that devices receive a plurality of ***transport streams with transport stream identifiers***. *Teraoka* fails to disclose this aspect of claim 1 and is silent regarding transport stream identifiers. Instead, *Teraoka* uses identifiers for VIP addresses and port number. Identifiers for VIP addresses and port number are not the same as identifiers for transport streams.

B. Claims 33-43

Claim 33 recites that ***each transport stream of the plurality of transport streams has a transport stream identifier associated therewith.*** The Office Action seems to suggest that the passages (col. 6, lines 20-35 and col. 6, line 54 through col. 7, line 8) of *Teraoka* teach this aspect of claim 33. Applicants disagree with this suggestion. *Teraoka* actually discloses that when VEndPoint_B is moved from one computer to another, VEndPointID_B remains unchanged and VEndPointAddr_B is changed. Also, *Teraoka* discloses results when computer C is relocated over a wide area network. However, an end point address identifier is not the same as the transport stream identifier as claimed. Therefore, *Teraoka* does not disclose this aspect of claim 33.

Furthermore, claim 33 recites a processor adapted to ***monitor the transport stream identifier and respond to changes thereto.*** The Office Action seems to suggest that col. 6, lines 20-35 of *Teraoka* teaches this aspect of claim 33. However, *Teraoka* actually discloses that when VEndPoint_B is moved from one computer to another, VEndPointID_B remains unchanged and VEndPointAddr_B is changed, as mentioned above. However, this is not the same as the highlighted feature of claim 33.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). For anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *See, e.g., Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ 2d 1001 (Fed. Cir. 1991). In the present application, *Teraoka* fails to disclose several aspects of the independent claims. For this reason, it is believed that independent claims 1 and 33 are allowable. Also, claims 2-8 and 34-43 are believed to be allowable for at least the reason that they depend directly or indirectly from allowable independent claims 1 and 33.

II. Response to 35 U.S.C. §103 Rejections

Claim 9 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Rao* (U.S. Patent No. 6,789,118) in view of *Teraoka*. Claim 10 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Rao* in view of *Teraoka* and further in view of *Brandt et al.* (U.S. Patent No. 6,377,993). Claims 11-19 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Rao* in view of *Teraoka* and further in view of *Hegde et al.* (U.S. Patent No. 6,570,875). Claims 22-24 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Tokuyo et al.* (U.S. Patent No. 6,829,238) in view of *Rao*. Claims 25-32 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Tokuyo, et al.* in view of *Rao* and further in view of *Teraoka*. Also, claims 37 and 38 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Teraoka* in view of *Rao*. Applicant respectfully traverses these rejections because the cited references, taken alone or in combination, fail to teach or suggest each and every element of the claims.

As set forth in MPEP 706.02(j), three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, ***the prior art reference (or references when combined) must teach or suggest all the claim limitations.*** (Emphasis added)

A. Claims 9 and 11-19

Claim 9 recites a ***plurality of transport streams, each with a corresponding unique transport stream ID***. The cited references fail to teach or suggest this aspect of claim 9. In contrast to claim 9, the cited references are directed to systems having features that are distinct from the present claims. For example, *Teraoka* discloses an arrangement that allows an initially established logical communication channel to remain intact and available even if a computing entity is moved from one computer to another (see Abstract). *Rao* disclose a VPN ID 244 for classifying and categorizing dial-up

connections. Clearly, a VPN ID is not the same thing as a transport stream ID as claimed. *Brandt et al.* is directed to an integrated proxy interface for web based data management reports and is silent regarding transport stream identifiers. *Hegde, et al.* and *Tokuyo et al.* are also silent regarding identifiers, particularly transport stream identifiers.

Applicants therefore assert that the cited references fail to teach every aspect of claim 9. Also, claims 11-19 are believed to be allowable for at least the reason that they depend directly or indirectly from allowable independent claim 9.

B. Claim 10

Claim 10 recites a ***plurality of transport streams with transport stream identifiers***. The cited references fail to teach or suggest this aspect of claim 10. In contrast to claim 10, the cited references include teachings that are distinct from the present claim. For example, *Teraoka* discloses an arrangement that allows an initially established logical communication channel to remain intact and available even if a computing entity is moved from one computer to another (see Abstract). *Rao* disclose a VPN ID 244 for classifying and categorizing dial-up connections. Clearly, a VPN ID is not the same thing as a transport stream ID as claimed. *Brandt et al.* is directed to an integrated proxy interface for web based data management reports and is silent regarding transport stream identifiers. *Hedge, et al.* and *Tokuyo et al.* are also silent regarding transport stream identifiers.

C. Claims 22-32

Independent claim 22 is direct to a method of ***mapping a digital network***. The method comprises ***assigning a unique transport stream identifier to each transport stream*** of a plurality of transport streams, wherein the plurality of transport streams are transmitted from a plurality of devices included in the digital network and wherein each device of the plurality of devices transmits a plurality of transport streams; ***associating each assigned unique transport stream identifier with a particular device*** of the plurality of devices, wherein the particular device transmits the transport stream having the unique transport stream identifier assigned thereto; ***transmitting to each device of the***

plurality of devices an assigned unique transport stream identifier associated therewith; ***receiving a network message from multiple devices of the plurality of devices, each network message including at least one input transport stream identifier***; and using the multiple network messages to determine a hierarchy of devices for the plurality of devices.

The cited references fail to teach or suggest the above-highlighted features of claim 22. In contrast to claim 22, the cited references teach features that are clearly distinct from the present claims.

It is therefore believed that the cited references, when combined, do not teach or suggest every aspect of claim 22. Also, claims 23-32 are believed to be allowable for at least the reason that they depend directly or indirectly from allowable independent claim 22.

CONCLUSION

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-19 and 22-43 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned at (770) 933-9500.

Respectfully submitted,

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